IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.633 OF 2005

M/s.Suryabhan Eknath Banale .. Appellants

Versus

Khivraj Pannalal Zanwar . Respondent

Mr.U.B.Nighot for appellants

Mr.S.S.Shah for respondent

CORAM : P.V.KAKADE, J.

DATE : 8TH AUGUST, 2005.

P.C.:

1. Heard the learned counsel for both the parties.

2. The appeal is preferred against the judgment and order passed by Addl. District Judge, Solapur dated 9th August, 2004 dismissing the appeal and confirming the lower court’s order of payment of price of the goods.

3. Since it is a money decree and there is no substantial question of law involved, it was proposed to the parties to settle the dispute and accordingly they have settled the matter and the following order is being passed by express consent made by the learned counsel for the parties, who had taken instructions from their clients. The plaintiff has shown willingness to forego the elements of compound interest and total claim comes to Rs.1,48,450/=, out of which certain payments are already made and today the amount stands at Rs.98,450/=.

. Hence the appellants shall pay the amount of Rs.98,450/= to the respondent in four equal quarterly instalments, the last instalment shall bare the entire residue. In case of failure of any one instalment the respondent shall be at liberty to execute the decree for entire amount. The first instalment shall be paid on or before 15th September, 2005.

. With this direction the appeal stands disposed of with no order as to costs. Consequently Civil Application No.1102 of 2005 also stands disposed of.

. Certified copy expedited.

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